

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 CIEP-01 FAA-00 SS-15 NSC-05

L-03 H-02 /055 W

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R 061650Z OCT 76

FM AMEMBASSY ROME

TO SECSTATE WASHDC 0407

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E.O. 11652: N/A

TAGS: EAIR, IT, US

SUBJECT: CIVAIR: GOI REQUEST FOR CONSULTATIONS

REF: STATE 243044

1. EMBOFF DELIVERED NOTE BASED ON REFTEL TO FIACCADORI, DIRECTOR OF MFA OFFICE RESPONSIBLE FOR CIVIL AVIATION MATTERS. FIACCADORI SAID HE WOULD REFER OUR RESPONSE TO CIVILAVIA FOR A DEFINITIVE DECISION AND RESPONSE. HE REMARKED, HOWEVER, THAT HE ALREADY HAD HEARD WHAT OUR POSITION WOULD BE ON THE BASIS OF A REPORT FROM MINISTER SERAFINA OF ITALIAN EMBASSY WASHINGTON.

2. FIACCADORI OFFERED HIS PERSONAL JUDGMENT THAT GOI IS "PREPARED TO REQUEST" CONSULTATIONS TO REVISE THE BILATERAL AGREEMENT, UNDER ARTICLE 11, ON THE BASIS OF THE ISSUES THAT WERE DELINEATED IN THE FEBRUARY AND MAY TALKS. FIACCADORI SAID THAT SUCH CONSULTATIONS WOULD BE HELD ON SIXTY-DAY NOTICE, WHICH MIGHT NOT BE SATISFACTORY TO THE GOI FOR COVERING THE WINTER SEASON CAPACITY ISSUES. WHEN EMBOFF REMARKED THAT CONSULTATIONS ON WINTER SEASON CAPACITY ISSUES APPEARED TO BE UNNECESSARY IN VIEW OF OUR CONCESSION THAT THE MINISTRY'S NOTE (079/15690) REQUESTING CONSULTATIONS COULD FULFILL THE REQUIREMENTS OF PARA 5.B., FIACCADORI SAID THAT CAPACITY CON-

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SULTATIONS MIGHT STILL BE DESIRED IN ORDER TO FREEZE CAPACITY

SUBSEQUENTLY AT EXISTING LEVELS RATHER THAN AT THE INCREASED LEVEL AS FILED IN THE 1976/77 WINTER SCHEDULES. (COMMENT: FIACCADORI APPARENTLY IS SAYING THAT CONSIDERATION IS BEING GIVEN TO DEMANDING A CONSULTATION WITHIN THE 30 DAYS PROVIDED FOR IN 5.B. FOR THE PURPOSE OF THE EX POST FACTO REVIEW PROVIDED FOR IN 5.C. AND 5.F.)

3. ECMIN AND EMBOFF ALSO DISCUSSED IN GENERAL TERMS OUR RESPONSE WITH DR. COLLINI (EX CHEF DE CABINET TO MINISTER OF TRANSPORTATION AND CANDIDATE FOR OFFICE OF DIRECTOR GENERAL OF CIVILAVIA). WHILE AGREEING THAT NEEDLESS CONFRONTATION AND STERILE CONSULTATIONS SHOULD BE AVOIDED, HE EXPRESSED LACK OF COMPETENCE TO STATE POSITION ON GOI'S RESPONSE TO OUR SUGGESTION.

4. IRRESPECTIVE OF WHICH PARA OF MEMORANDUM OF UNDERSTANDING IS USED, IT APPEARS LIKELY THAT GOI WILL REQUEST CONSULTATIONS IN OCTOBER. ALTHOUGH GOI MAY ACCEPT LOGIC OF AVOIDING CONSULTATIONS ON CAPACITY WHICH WILL INEVITABLY LEAD TO DEADLOCK, WHILE AT SAME TIME PRESERVING GOI'S RIGHTS, ISSUE OF CO-TERMINAL RIGHTS FOR CHICAGO REMAINS CENTRAL TO ALITALIA'S CONCERNS. ACCORDINGLY, WE SHOULD NOT ASSUME GOI WILL LET THIS ISSUE DROP, AND, AS SUGGESTED IN ROME 14757, WE SHOULD BE PREPARED TO CONSIDER HOW TO DEAL WITH THAT ISSUE IN CONTEXT OF RESOLVING SOME OF OUR OUTSTANDING CIVAIR PROBLEMS WITH ITALY. VOLPE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 OCT 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MartinML  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976ROME16401  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760377-0841  
**From:** ROME  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1976/newtext/t19761076/aaaacogy.tel  
**Line Count:** 86  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE 243044  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MartinML  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 05 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <05 MAY 2004 by izenbei0>; APPROVED <25 AUG 2004 by MartinML>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR: GOI REQUEST FOR CONSULTATIONS  
**TAGS:** EAIR, IT, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006